

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ZWANENBERG FOOD GROUP (USA) INC.,

Plaintiff,

v.

TYSON REFRIGERATED PROCESSED
MEATS, INC.,

Defendant.

C.A. No. 08-329-SLR

JURY TRIAL DEMANDED

**DEFENDANT TYSON REFRIGERATED PROCESSED MEATS, INC.'S
MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

Defendant Tyson Refrigerated Processed Meats, Inc. ("Tyson") respectfully moves this Court pursuant to Fed. R. Civ. P. 12(c) for an Order granting judgment on the pleadings with respect to Count III of Zwanenberg Food Group (USA), Inc.'s Complaint. The grounds for this Motion are set forth in Defendant's Opening Brief in Support of its Motion for Partial Judgment on the Pleadings, filed contemporaneously herewith.

POTTER ANDERSON & CORROON LLP

By: /s/ W. Harding Drane, Jr.

W. Harding Drane, Jr. (#1023)

Jennifer C. Wasson (#4933)

Hercules Plaza, 6th Floor

1313 N. Market Street

P.O. Box 951

Wilmington, DE 19899-0951

(302) 984-6000

wdrane@potteranderson.com

jwasson@potteranderson.com

Dated: August 21, 2008
879316/32021-001

*Attorneys for Tyson Refrigerated Processed
Meats, Inc.*

CERTIFICATE OF SERVICE

W. Harding Drane, Jr., hereby certifies that, on the 21st day of August, 2008, he caused to be filed, with the United States District Court, District of Delaware, an electronic version of the within document, and to be served, via electronic email and by Hand Delivery upon the Delaware counsel of record identified below:

Steven B. Brauerman, Esquire
The Bayard Firm
222 Delaware Avenue, Suite 900
P.O. Box 25130
Wilmington, DE 19899-5130
sbraerman@bayrdfirm.com

/s/ W. Harding Drane, Jr.

W. Harding Drane, Jr. (No.1023)